

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

**CHRISTOPHER SMITH and
NICOLE SMITH, et al,**

Plaintiffs,

V.

**OAK CREEK HOMES, LLC,
et al.,**

Defendants.

Case No. CIV-23-53-RAW-GLJ

ORDER

Before the court is the objection and response of the plaintiffs to the Report and Recommendation of the United States Magistrate Judge, which recommends granting the defendants' motion to compel arbitration.

Plaintiffs having filed a timely objection, the court must conduct a de novo review of the issues specifically raised by the objection, and may accept, modify, or reject the recommended disposition. The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. §636(b)(1); Rule 72(b)(3) F.R.Cv.P.

Plaintiffs raise the following objections: (1) the arbitration provision is unenforceable due to lack of mutual consent and consideration; (2) defendants waived their right to arbitrate; (3) the Federal Arbitration Act is “reverse preempted” by the McCarran-Ferguson

Act (15 U.S.C. §1012) and Oklahoma law (12 O.S. §1855(D)). The Magistrate Judge discussed each of these issues with great thoroughness. After reviewing the record under the appropriate standard of review, the court concludes the Report and Recommendation should be affirmed, despite plaintiffs' well-argued objection.

It is the order of the court that the objection of the plaintiffs (#105) is hereby denied. The Report and Recommendation (#103) is affirmed and adopted as the order of the court. The supplemental motion to compel arbitration as to the Smith Plaintiffs and the initial motion to compel arbitration as to the Ranford and Somers Plaintiffs (#97) is granted. The adult plaintiffs' claims against Oak Creek Defendants are compelled to arbitration. The claims of the minor plaintiffs against the defendants and all plaintiffs' claims against 21st Mortgage Corporation are stayed pending the resolution of any arbitration proceedings.

IT IS SO ORDERED this 29th day of July, 2024.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE